

Notice of Allowability

Application No.

09/912,829

Examiner

Dwayne K Handy

Applicant(s)

HOUSE, CHERIE G.

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an interview on 6/18/2004.
2. ☒ The allowed claim(s) is/are 6-19.
3. ☒ The drawings filed on 25 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy Kroboth on June 18, 2004.

2. The application has been amended as follows:

Claims 1-5 have been canceled without prejudice.

Claim 11, line 6, after "structure," -- and-- as been added.

Claim 11, lines 9-12, "and wherein said receptacle boss corresponds to a generally frustoconically shaped cavity in a bottom wall of said receptacle, of an appropriate diameter for receiving at least a lower portion of said cup" has been deleted.

Claim 12, lines 2-3, "for forward/rearward positioning" has been deleted.

Claim 12, lines 4-5, "by a seated individual supported by said support structure" has been deleted.

Claim 12, line 6, "sufficient" and the second use of the word "said" have been deleted.

Claim 12, line 7, "and hence of said receptacle".

Claim 14, line 1, after "wherein" -- said receptacle boss corresponds to a generally frustoconically shaped cavity in a bottom wall of said receptacle, of an

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appropriate diameter for receiving at least a lower portion of said cup, and -- has been added.

Claim 16, line 2, "in combination" has been changed to -- for use --.

Claim 16, line 4, "non-planar" has been deleted.

Claim 16, line 5-6, after "wherein" --said receptacle has an elongated catch shape and-- has been added.

Claim 16, line 6, after "receptacle" --rotatably-- has been added.

Claim 16, lines 7-8, "and the receptacle is removable from the support bracket," has been changed to --for adjustability of the catch position of the receptacle--.

Claim 16, line 9, after "is" --adapted to be-- has been added.

Claim 16, line 11, "for positioning in a direction selected from forward and rearward" has been deleted.

Claim 16, lines 12-13, "by a seated individual on a seat that overhangs and is" has been deleted.

Claim 16, line 15, "sufficiently" has been deleted.

Claim 16, lines 16-17 "said positioning to be convenient for collection of a stool specimen in said receptacle" has been changed to --positioning of said support bracket --.

Claim 17, lines 2-3 "and a gap between said seat and support structure assists the support bracket adjustability" has been deleted.

3. The following is an examiner's statement of reasons for allowance:

The Examiner provided reasons for allowance in the previous action. The Examiner wishes to note, however, that claim 11 has been broadened by Examiner's amendment but still falls within the limit of allowable subject matter based on the claiming of a receptacle, a support bracket with an aperture and adapted to be supported by a support structure. The receptacle comprises a generally frustoconically shaped boss that snugly fits in the aperture of the support bracket but still allows the receptacle to be rotated within the aperture and by removed from the aperture.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. The Examiner wishes to correct a mistake in the previous action involving the Response to Arguments section. On page 5 of the previous action, the Examiner mistakenly referred to the features of claim as still being rejected. This was an error on the Examiner's part. Claim 3 was objected to – not rejected.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne K Handy whose telephone number is (571)-272-1259. The examiner can normally be reached on M-F 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKH
June 22, 2004


Jill Warden
Supervisory Patent Examiner
Technology Center 1700